

SENATE BILL 1323

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 7,  
Chapter 51 and Title 71, Chapter 6, Part 3, relative  
to adult-oriented establishments.

WHEREAS, according to the Center for Disease Control, nearly one in five women and one in seventy-one men in the United States have been raped at some time in their lives; and

WHEREAS, the national crime victimization survey reported that 188,380 Americans who were twelve years of age and older were raped or sexually assaulted in 2010; and

WHEREAS, rape and sexual assault in the United States is estimated to cost \$127,000,000,000 per year, including, lost productivity, medical and mental health care, police and fire services, social services, loss of and damage to property, reduced quality of life; and

WHEREAS, research studies indicate that sexually-oriented businesses that allow alcohol have higher risks of crimes including assault, sexual abuse, and drug-related offenses; and

WHEREAS, non-reporting of sexual assault in rural areas is a particular problem because of the high rate of non-stranger sexual assault; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 7, Chapter 51, Part 11, is amended by adding the following as new section:

7-51-1123

(a) It is the intent of the Tennessee general assembly to ameliorate the negative secondary effects associated with the consumption of alcoholic beverages on the premises of adult oriented establishments so as to promote the health, safety, and welfare of the citizens of this state.

(b) This section is not intended to directly or indirectly impose limitations or restriction on live nude dancing, nor is it the intent of this section to restrict or deny access by adults to live nude dancing performances that may be protected by the first amendment of the United States Constitution or by the Constitution of Tennessee.

(c) As used in this section:

(1) "Admission" means entry by a person to an adult oriented establishment;

(2) "Adult oriented establishment" means an establishment defined in § 7-51-1102 that provides live nude entertainment or live nude performances and permits the on-site consumption of alcoholic beverages, regardless of whether the consumption of alcoholic beverages is under a license or permit issued by the county or state; and

(3) "Department" means the department of revenue unless another department is specifically named.

(d) There is imposed a ten dollar (\$10.00) admission fee on each entry by a customer into to an adult oriented establishment.

(e) The adult oriented establishment shall record daily in the manner established by department the number of customers admitted to the establishment. The establishment shall maintain the records for the period established by the department but for no less than three (3) years. Such records shall be made available for inspection and audit on request of the department.

(f) This adult oriented establishment is not required to impose the admission fee directly on a customer of the establishment. An establishment has discretion to determine the manner in which the establishment collects the money required to pay the admission fee imposed by this section.

(g) The adult oriented establishment shall remit the admission fee imposed by this section to the department in the manner prescribed by the department.

(h) The adult oriented establishment shall file reports with the department in the manner and containing the information required by the department.

(i) The department shall deposit all proceeds collected under this section into the sexual assault services and program fund established by § 71-6-301. Funds from the fee imposed by this section shall be used by the department of finance and administration for the exclusive purpose of providing grants to:

(1) Sexual assault programs as defined in § 71-6-302; and

(2) The Tennessee Coalition To End Domestic and Sexual Violence for the purpose of raising awareness of sexual violence and to provide training and technical assistance on sexual violence to communities statewide.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.